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9/17/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: FUKUNAGA=5

In re Application of:)	Art Unit: 2825
)	
Akira FUKUNAGA et al)	Examiner: C. Lee
)	
Appln. No.: 09/890,330)	Washington, D.C.
)	
Date Filed or 102(e) date:)	
July 30, 2001)	Confirmation No. 9513
)	
For: METHOD AND APPRATUS FOR)	September 11, 2003
FORMING THIN FILM..)	

REPLY TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop NON-FEE AMENDMENT
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

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Applicants are in receipt of a restriction requirement Office Action mailed August 29, 2003.

Acknowledgment by the PTO of the receipt of applicants' papers filed under Section 119 is noted.

Restriction has been required between what the Office Action indicates as being two patentably distinct inventions. As applicants are required to make an election, even if the requirement is traversed, applicants hereby provisionally and respectfully elect Group III, presently

claims 1-8 directed to a film forming method, without traverse and without prejudice.

Thus, applicants accept that the two inventions are patentably distinct from one another, i.e. each is patentable over the other, whereby each is *prima facie* non-obvious from the other.


If method claims 1-8 are found to be allowable, the examiner is hereby authorized to delete claims 9-15 by examiner's amendment, such a deletion of course being without prejudice to applicants' rights, including those rights provided by Sections 121, 120 and 119, to pursue the non-elected subject matter in a divisional application without any penalty whatsoever.

Applicants respectfully await the results of a first examination on the merits of the elected method claims 1-8.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
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G:/bn/w/wata/fukunaga5/pto/ReplyToRestrct11SEPT03.doc

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Akira FUKUNAGA et al

Appln. No. 09/890,330

Date Filed: July 30, 2001

For: METHOD AND APPARATUS FOR FORMING THIN FILM



Art Unit: 2825

Examiner: C. Lee

Washington, D.C.

Atty.'s Docket: FUKUNAGA=5

Date: September 11, 2003

Confirmation No. 9513

Honorable Commissioner for Patents

U.S. Patent and Trademark Office

2011 South Clark Place

Customer Window, Mail Stop **NON-FEE AMENDMENT**

Crystal Plaza Two, Lobby, Room 1B03

Arlington, Virginia 22202

Sir:

Transmitted herewith is a **REPLY TO RESTRICTION REQUIREMENT** to the above-identified application.

☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted

☐ Applicant claims small entity status. See 37 C.F.R. §1.27.

☒ No fee is required.

The fee has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL *	MINUS ** 20	
INDEP. *	MINUS *** 3	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM		

ADDITIONAL FEE TOTAL

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 42	\$
+ 140	\$
ADDITIONAL FEE TOTAL	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 84	\$
+ 280	\$
TOTAL	

OR

OR

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

☐ First - \$ 55.00

☐ Second - \$ 205.00

☐ Third - \$ 465.00

☐ Fourth - \$ 725.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

☐ First - \$ 110.00

☐ Second - \$ 410.00

☐ Third - \$ 930.00

☐ Fourth - \$ 1450.00

Month After Time Period Set

☐ Less fees (\$) already paid for month(s) extension of time on

☐ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

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01 FC:1251

110.00 DA

Adjustment date: 11/19/2003 EKKUDAY1

09/18/2003 KING1 00000007 024035 09890330

01 FC:1251 110.00 CR

#7/E.O.T. 2825
During
9/17/03

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